

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

Case No. 5:23-CV-00695-M-BM

KLYE MORGAN,

Plaintiff,

v.

CLARK STORES, INC.,

Defendant.

ORDER

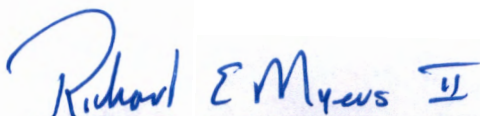
This matter comes before the court for review of the Memorandum and Recommendation (the “Recommendation”) filed on December 14, 2023, by Magistrate Judge Brian S. Meyers, in accordance with 28 U.S.C. § 636(b) [DE 5]. In the Recommendation, Judge Meyers recommends that the court deny Plaintiff’s application to proceed in forma pauperis and order him to pay the requisite filing fee on or before January 12, 2024. DE 5 at 2. The Recommendation, which includes instructions and a deadline for objections, was served on Plaintiff on December 14, 2023. DE 5 at 2-3. Plaintiff did not file objections to the Recommendation.

The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b), but need only “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made,” *id.* Notwithstanding that Plaintiff raised no objections to the Recommendation, the court has reviewed the in forma pauperis application and concurs with the Recommendation, in that Plaintiff has sufficient income and assets such that he is not entitled to have the public bear the costs of his litigation. *See* 28 U.S.C. § 1915(a); *United States v. Valdes*, 300 F. Supp. 2d 82, 85 (D.D.C. 2004) (observing that court may not turn “blind

eye to [applicant's] actual financial circumstances," which would "render [] court an unfit steward of the public purse"). The court therefore adopts the Recommendation in full.

The Recommendation [DE 5] is hereby ADOPTED, the application to proceed in forma pauperis [DE 2] is DENIED, and Plaintiff shall pay the requisite filing fee on or before January 12, 2024.

SO ORDERED this 5th day of January, 2024.

A handwritten signature in blue ink that reads "Richard E. Myers II". The signature is written in a cursive style with a large initial 'R' and a stylized 'M'.

RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE